

Department of Natural Resources

DIVISION OF PARKS & OUTDOOR RECREATION KENAI/PRINCE WILLIAM SOUND AREA OFFICE

514 Funny River Road Soldotna, AK 99669 Main: 907.714.2471 Fax: 907.260.5992

January 20, 2021

Dear Kenai River Commercial Operator:

Please read this entire letter carefully as some requirements have changed.

Permit Fees:

- A non-refundable permit application processing fee of \$100.00
- Annual permit fee of Kenai River Fishing Guides commercial use permit is \$1000.00 for resident/non-resident (total of \$1100.00 including application processing fee).
- Client fees: Per client fees for guided scenic tours are \$2 per client per day. Per client fees are not charged for guided sport fishing.

NEW THIS YEAR

2021 Alaska State Park Permit Application:

- Thank you for your interest in an Alaska State Parks Non-Competitive Commercial Use Permit. *Please review this cover letter and the attached application materials carefully.* To apply for a 2021 permit, please fill out and sign the enclosed application form.
- In addition, returning sport fishing guides are required to submit a <u>Certificate of Commercial Liability Insurance</u>, <u>Driver's License</u>, <u>First Aid certificate</u>, <u>Random Drug Program enrollment</u>, and <u>Fish and Game Business Owner/Guide License</u>.
- <u>In addition, new sport fishing guides are also required to submit a copy of the Kenai River Guide Academy Certificate.</u>
- Do <u>NOT</u> send copies of your business license, vehicle registrations boat registration, trailer registration, Coast Guard License, fishing license, or other applicable licenses. The application form will prompt you to list the license/registration/certificate numbers and expiration dates.

State law requires that anyone conducting commercial activities within a unit of the Alaska State Park system obtain, in advance, a permit issued by the Division of Parks and Outdoor Recreation. Examples of commercial activities include guided activities, charter services, transportation services, outfitting, supply, or equipment sales or rentals within a park. Any activity that meets the definition of commercial activity as found in 11 AAC 12.340(19) requires a permit.

11 AAC 12.340(19) "commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of state park land or water, is a commercial activity whether or not it is incidental to, advertised with, or

specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or

other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the park.

Application Submittal:

Please return your completed application by email to: parkpermitting@alaska.gov, fax-907-260-5992 or mail to Alaska State Parks, 514 Funny River Road, Soldotna, AK 99669. Once your application is processed, you will be contacted with instructions for payment of the application fee.

**Note: It may take up to thirty days to process your application and issue your permit, so please plan accordingly and submit your application well in advance of your commercial operating season. **

Alaska State Parks will be issuing the ADF&G Business Owner/Guide License:

Applications for 2021 Saltwater and Freshwater Sport Fish Business Owner/Guide License applications are available at the Gilman River Center, 514 Funny River Road, Soldotna, AK 99669. Licenses can be purchased online at: https://www.adfg.alaska.gov. You are required to provide proof of a current valid ADF&G Business Owner/Guide License prior to being issued a State Parks Commercial Operator Permit.

Requirements: To avoid any permitting delays please take the time to review the permit application for the Kenai River sport fishing guides. **You are responsible** to ensure that copies of all the required documents are submitted and/or on file with the Alaska State Parks Permitting Office. When applying for the commercial operators permits **all** copies of required documents shall be submitted along with the permit fee. Once the completed application has been completed, a permit with an identification card and decals will be issued. It is unlawful for anyone to provide guide services in any State Park unit without a valid permit issued under 11AAC 18.

Kenai River Guide Academy: Commercial Operators who intends to register as a Kenai River sport fishing guide will need to successfully complete the Kenai River Guide Academy (KRGA) prior to applying for a permit. A copy of your KRGA certificate is required for registration. For more information, you can contact the Kenai Peninsula College at 262-0330. A web site is also available with the KRGA information: www.krga.org.

<u>Vehicle Decals:</u> A numbered vehicle decal will be issued to the vehicle used during commercial activities. The decal shall be permanent affixed to the lower corner of the driver side of the windshield. Decals shall not be altered or affixed to unauthorized vehicles. Any motor vehicle and attached trailer that is found in violation of this requirement may be impounded and removed from the State Park at the registered owner's expense.

Boat Launches and Fees: KRSMA state park boat launches are located at: The Pillars Boat Launch, Eagle Rock Boat Launch, Izaak Walton State Recreation Site, Bing's Landing State Recreation Site, and the Cooper Landing Boat Launch. Commercial operators using these facilities are required to pay the boat launch fee or purchase an annual boat launch pass. However, the annual boat launch pass is not honored at the Eagle Rock or Pillars boat launches. All clients are required to pay the daily parking fee for their vehicles. Annual passes may be purchased on-line at www.alaskastateparks.org, the Gilman River Center, or from volunteer hosts at state park facilities.

<u>Mandatory Orientation for new Non-Fishing Permittees</u>: Kenai River Scenic Operators are no longer required to attend an in-person orientation session. Commercial Operators Businesses that provide scenic tours on the Kenai River are required to submit a copy of their orientation and safety program with the completed application.

All scenic or non-fishing guide are still required to sign the Kenai River Scenic Guide Stipulations annually.

Permits are required for fishing, tournaments, derbies and organized events in the KRSMA: For the KRSMA, due to the size of groups in relation to the river corridor, the limit for on-river activities only, is limited to 40 people. Any promotional, entertainment, spectator, or competitive recreation event that attracts more than 40 people must first obtain a Special Park Use Permit. The Kenai River Comprehensive Management Plan provides further guidance to limit contests and competitions to those not designed to attract large number of anglers and that are scheduled for non-peak fishing times or during periods of projected low stocks.

<u>Department of Natural Resources Commercial Recreation Registration:</u> Commercial users of general state lands and waters are required to register with the Department of Natural Resources, Division of Mining, Land and Water (DNR/DMLW). Please contact the Anchorage DNR Public Information Center at (907) 269-8400 with any questions you may have about the registration.

Please review the completed application prior to submitting. If you have any additional questions regarding this letter or any matters concerning Non-Competitive Commercial Use Permits call Pam Russell at (907) 714-2471 or email at Pamela.Russell@alaska.gov.

Good luck and best wishes for a successful business season in 2021.

Sincerely,

Pamela Russell Natural Resource Specialist III Enclosures

PRE-QUALIFICATION REQUIREMENTS FOR KENAI RIVER GUIDES

To pre-qualify for issuance of a 2021 permit, all Kenai River Guide permit applicants shall be required to submit the following information. **Please take time to look them over.**

1. All fishing guides need to successfully pass the Kenai River Guide Academy course prior to applying for an Alaska State Park permit. For more information, you can contact the Kenai Peninsula College at (907-262-0344). A web site is also available with the KRGA information: www.krga.org. A copy of your Kenai River Guide academy certificate is required for registration.

All new scenic or non-fishing guides are no longer required to attend a mandatory orientation if the business that they work for has a copy of their orientation and safety program on file with Alaska State Parks. All scenic or non-fishing guide are still required to sign the Kenai River Scenic Guide Stipulations annually.

- 2. ADF&G Business Owner/Guide License: Applications for 2020 Saltwater and Freshwater Sport Fish Business Owner/Guide License applications are available at the Gilman River Center/Alaska State Parks and ADF&G offices located at 43961 Kalifornsky Beach Road, Suite B, Soldotna, AK 99669-8276. Licenses can be purchased online at: https://www.adfg.alaska.gov
- **3.** A current driver's license or government issued picture I.D.
- **4.** <u>Power boat operators:</u> Documentation with expiration date that shows you are registered with a U.S. Coast Guard Certified and approved random drug testing program. Kenai River guides who hold Coast Guard licenses to operate a vessel under power must provide proof of their enrollment in a random drug testing program (per Coast Guard requirements).
 - <u>Non-Power boat operators</u>: Unless otherwise registered in a random drug testing program, Kenai River fishing guides who operate non-motorized vessels are required to provide proof of a negative drug test administered no more than 30 days before the date of having their permit issued.
- **5.** The permittee shall furnish proof to the authorizing officer that he/she has commercial liability **insurance** to cover commercial operations and such insurance will be approved by the authorizing officer. A minimum of \$100,000 per person/\$300,000 combined single limit per occurrence commercial liability insurance is required and the policy **MUST** name:

"State of Alaska as additional insured".

All certificates must provide a 30-day prior written notice to the Kenai Area Superintendent: Division of Parks and Outdoor Recreation; Gilman River Center; 514 Funny River Road; Soldotna, Alaska 99669; telephone: (907) 714-2471; fax: (907) 260-5992, of cancellations, non-renewal or material alteration of such insurance or lapse of insurance.

- **6.** A valid American Red Cross Basic First Aid certification or the equivalent, with expiration date. The First aid certification needs to be recognized by state or national registration.
- 7. Signed Stipulations



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES DIVISION OF PARKS AND OUTDOOR RECREATION

Kenai River Commercial Use Permit 11 AAC 20.885

2021 Kenai River Sport Fishing Guide Application LAS Number:

(State Assigned -Land Administration System)

CONTACT INFORMATION		Plea	e Circle:	Owner/Employee
Name of Business				ounci, improved
Name:				
Mailing Address:				
City:			de:	
Business Phone:	Email Ad	dress:		
(Please include area code) Field / Emergency Contact (Name	e and Cell Phone):			
BUSINESS INFORMATION	e una cent none;			
Alaska Business License Number: Per AS 43.70.020(a) a business lice				
Business Website:				
ADDITIONAL INFORMATION				
Fishing License #				
USCG License #				
When submitting application	i please include a copy of th	ne following documents:		
Driver's License				
First Aid Card Drug				
Program				
Fish and Game Owner/Guide	Card Certificate of			
Commercial Liability Insuranc	e			
Signed Kenai River Non-Comp	oetitive Park Use Permit Stip	ulations		
Kenai River Guide Academy C	ertificate for first year appli	cants		
Parks List additional Park Name	units you will be operatin	g in:		
If changes to this permit	t occurs during the year send	an updated list to: pamela.russe	ماعدادهاا	IOV
ii changes to this perilli	t occurs during the year, sellu	an apaatea iist to. <u>pailiela.1ussi</u>	<u>،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،،</u>	<u>, </u>

Kenai River Alaska State Parks Permit Application If you are an employee do not list the business owner boats.

BOAT INFORMATION

KR. Vessel # Assigned (State Park)		AK# Exp Date	
•	.,	Length	
KR. Vessel # Assigned (State Park U		AK# Exp Date	
·	•	Length	
3. KR. Vessel # Assigned(State Park U	AK#	AK# Exp Date	
·		Length	
4. KR. Vessel # Assigned(State Park U		AK# Exp Date	
Hull ID #	Make/Model	Length	
5. KR. Vessel # Assigned(State Park U		AK# Exp Date	
Hull ID #	Make/Model	Length	
6. KR. Vessel # Assigned(State Park U		AK# Exp Date	
Hull ID #	Make/Model	Length	
7. KR. Vessel # Assigned(State Park U		AK# Exp Date	
Hull ID #	Make/Model	Length	
8. KR. Vessel # Assigned(State Park U	AK#AK#	AK# Exp Date	
Hull ID #	Make/Model	Length	
	AK#	AK# Exp Date	
Hull ID #	Make/Model	Length	-

Attach additional pages as necessary (Page_____of____)

Kenai River Alaska State Parks Permit Application VEHICLE INFORMATION

If you are an employee do not list the business owner vehicles.

KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
2. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
3. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
4. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
5. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
6. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
7. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
8. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
9. KR. Vehicle Sticker #(State Park U	State & License Plate #se Only)	Make	Model	Year Color
10. KR. Vehicle Sticker # (State Park U	State & License Plate # se Only)	Make	Model	Year Color
11. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
12. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
13. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
14. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color
15. KR. Vehicle Sticker # (State Park U	State & License Plate #se Only)	Make	Model	Year Color

Attach additional pages as necessary (Page	eot
--	-----

Kenai River Alaska State Parks Permit Application

2021 NON-COMPETITIVE PARK USE PERMIT STIPULATIONS ISSUED TO FISHING GUIDES IN THE KENAI RIVER SPECIAL MANAGEMENT AREA

- 1) **SUPERVISION:** A permitted guide must be aboard a guide vessel whenever it is being used for guiding activities. The permitted guide must have his/her Kenai River Special Management Area Guide identification card and a photo identification card in his/her possession at all times while guiding within the Kenai River Special Management Area. The permittee must present this card to any Peace Officer upon request.
- 2) **GUIDE VESSEL IDENTIFICATION:** A guide vessel shall be identified by displaying the issued Department of Natural Resources Kenai River guide decals, ADF&G sport fishing guide decals and the assigned three-digit guide vessel number on both sides of the vessel just aft of the midpoint and above the water line anytime the vessel is being operated in the Kenai River Special Management Area. The issued DNR guide decals shall be placed directly forward of the assigned three-digit guide vessel number. The assigned guide vessel number is to be permanently displayed in six-inch high by one-inch wide block style figures of contrasting color to the color of the vessel hull. Duct tape, electrical tape, and other temporary numbers are not acceptable.
- 3) **VEHICLE IDENTIFICATION:** Motor vehicles that are operated or parked on state park lands and used in conjunction with commercial activities shall be identified by a numbered Commercial Operator decal. This identification decal shall be affixed on the bottom left hand corner of the vehicle's windshield. Decals shall not be altered or affixed to unauthorized vehicles. Decals that are altered or affixed to unauthorized vehicles may be confiscated by State Park staff. Any motor vehicle and attached trailer that is found in violation of this requirement may be impounded and removed from the State Park at the registered owner's expense. If a vehicle bearing an authorized decal has a mechanical breakdown, the permittee may temporarily substitute another vehicle without a decal upon notification and approval from State Parks.
- 4) **FISHING FROM A GUIDE VESSEL:** The permittee, their paid support staff or employees are not allowed to fish from a registered guide vessel from May 1st through November 30th while the vessel is being used for guiding activities in the Kenai River Special Management Area.
- 5) **CAMPS AND CACHES:** The permittee may not establish temporary or permanent camps or caches within the Kenai River Special Management Area.
- 6) **OUTBOARD MOTOR INSPECTION:** All Kenai River Guides must permit the random inspection of their outboard motors by any Peace Officer for verifying the propshaft horsepower rating. Failure or refusal to comply with an outboard motor inspection may result in an immediate permit suspension.
- 7) **LAWFUL OPERATIONS:** The permittee agrees to operate in accordance with applicable local, state and federal laws and regulations.
- 8) **BOAT LAUNCH FEES:** The permittee must pay boat launch fees for the use of State Park boat launches in the KRSMA or purchase a State Parks boat launch decal. The State Park boat launch decal is to be permanently affixed to the tongue of the boat trailer for which it was purchased. Temporary placement of the boat launch decal is not allowed. Boat launch decals that are not permanently mounted or affixed may be confiscated by State Park Staff. The State Parks boat launch decal is not honored at the Pillars and Eagle Rock Boat Launches. Due to limited parking facilities, no guide or guide employee vehicles may be placed at the Izaak Walton Unit parking lot from June 1 through August 15.
- 9) **SANITATION:** Public restrooms are located in most of the heavily fished areas of the Kenai River Special Management Area. The permittee agrees to use the restrooms and take his/her clients to the public restrooms. If the restrooms are not available, the permittee must <u>COLLECT</u> and <u>PROPERLY</u> dispose of all <u>SOLID</u> human waste and refuse generated by themselves or their clients within the permit area. All solid human waste will be disposed of in the appropriate facility outside of the permit area.

Kenai River Alaska State Parks Permit Application

- 10) **NON-EXCLUSIVE USE:** This permit does not limit the rights of DPOR to issue permits for the same or similar activities in the area covered by this permit. The permittee and their agents or clients shall not interfere with public use or other authorized use of roads, trails, parking areas or other lands and waters in the area of their activities.
- 11) **ADVERTISING:** This permit does not authorize the permittee to solicit business, advertise, collect any fees or sell any goods or services on lands and water authorized to be used by this permit unless specified on the permit. The permittee shall not make any misrepresentations in their advertisements, signs, circulars, brochures, letterhead, and like materials regarding this permit. This restriction shall not apply to business names, graphics, logos or telephone numbers that are applied to guide vessels or vehicles.
- 12) **CLIENT INFORMATION:** The permittee agrees to provide clients with information regarding rules, regulations and other information pertaining to the guided activity, the area and basic safety information relative to the client's visit.
- 13) **ACCIDENT NOTIFICATION:** The permittee will notify the local State Park staff immediately after completing a trip in which personal injury, boat collision, overturning or swamping, or damage to the guide vessels or other vessel occur; or of any threatening incidents involving wildlife or of incidents involving the loss of equipment, such as canoes, rafts, tents or other gear which could create the impression that someone may be lost or in danger.
- 14) **INDEMNIFICATION:** The permittee shall indemnify, save harmless and defend the State, its officers, agents and employees from liability of any nature or kind, including costs and expenses for, or on account of any and all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission or negligent act of the permittee relating to its performance of this permit. All legal actions or claims including defense cost resulting from injuries or damages sustained by a person(s) or property arising from the permittee's performance of this permit which will result in joint liability of the State and permittee shall be apportioned on a comparative fault basis. Any such joint liability on the part of the State must be due to the active negligence on the part of the State.
- 15) **QUALITY OF SERVICE:** The permittee shall observe such requirements respecting quality and standards of service as dictated by laws or regulations or as necessary to protect the public health, safety and welfare.
- 16) **PROFESSIONAL BEHAVIOR:** The permittee shall not verbally, physically or by any other method harass, assault, or abuse clients, employees, outfitters, other guides and their clients, members of the public or any state or federal agency representative. This includes aggressive and disruptive behavior.
- 17) **REPAIR OF DAMAGE:** The permittee shall exercise diligence in protecting from damage lands, waters, facilities and resources used in connection with this permit. The permittee shall be liable for the repair of any damage to lands, water, facilities or resources resulting from the activities of the permittee, their agents, employees, or clients.
- 18) **NATURAL HAZARDS:** The permittee recognizes and understands that natural hazards are likely to exist within the area of their operation. The permittee agrees to take all reasonable precautions to make themselves aware of these hazards and to avoid injury to persons or property. The permittee is responsible for ensuring the safety of the clients under their supervision.
- 19) **COOPERATION:** The permittee agrees to cooperate with all state and federal agency representatives for the purposes of permit compliance and gathering information on fisheries and natural resources.
- 20) **ANCHOR BUOYS:** The permittee will permanently mark any buoy used with an anchor that will be left unattended with the AK registration number of the guide vessel that is utilizing that buoy.
- 21) END OF SEASON REPORTS: Scenic guides who provide scenic tours on the Kenai River are now required to pay per client fees for all scenic tours in the State Park. The end of season report is due on or before December 1 of the permitted season. The report is due whether you conducted commercial activities in a unit of the State Park system or not.

Kenai River Alaska State Parks Permit Application

- 22) **OTHER PERMITS:** The permittee understands that guiding, outfitting or other commercial activities conducted within the boundaries of the Kenai National Wildlife Refuge or Chugach National Forest may require an additional Special Use Permit.
- 23) **NONDISCRIMINATION IN EMPLOYMENT AND SERVICES**: The permittee and his/her employees shall not discriminate against any employee providing services under this permit or applicant for employment to provide services under this permit because of race, color, religion, sex, national origin, age, or disability. The permittee and his/her employees shall not discriminate by segregation, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally because of race, religion, sex, national origin, age, or disability.

The permittee has read and agreed to the terms of the permit and understands that the breach of any term is cause for suspension or revocation under 11 AAC 20.885. Further, it is expressly understood and agreed that this permit may be revoked in accordance with [cite regulations] at the discretion of the Director, or his/her designee without compensation to the permittee.

The issuance of this permit does not confer any rights of renewal or preferences for renewal, regardless of any investments made by the permittee or for other reasons.

This permit is non-transferable, and the permittee shall not sublet or enter into any third-party agreements involving the privileges authorized by this permit. This permit is issued in accordance with 11 AAC 12.300., 11 AAC 18.030, and 11 AAC 20.885.

I have read and understand and agree to comply with Commercial Use Permit Stipulations #1 through #23 and confirm that I am a:

Durated Name / Cigra atrans	Data
Printed Name/Signature	Date

One of the requirements under 11 AAC 20.885 (c)(7)&(8) is that to obtain a Kenai River Guide Permit <u>a</u> person may not have been convicted of any felony or have no more than one misdemeanor fishing violation within the last five years:

I have not been convicted of a felony nor have I had more than one misdemeanor violation of a provision of 5 AAC 47 through 5 AAC 75 (Sport fishing) within the last five years of this date. I understand that conviction of a felony or more than one violation of 5 AAC 47 through 5 AAC 75 in the five years preceding my signature disqualifies me from holding a Kenai River Guide Permit.

Initial			
m1f1a			